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8 UNITED STATES DISTRICT COURT  
9 CENTRAL DISTRICT OF CALIFORNIA  
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11 TOBIAS A. FRANK, ) NO. EDCV 12-1848 JAK (SS)  
12 )  
13 Plaintiff, )  
14 )  
15 v. ) ORDER ACCEPTING FINDINGS,  
16 ) CONCLUSIONS AND RECOMMENDATIONS  
DERRICK SCHULTZ, et al., ) OF UNITED STATES MAGISTRATE JUDGE  
Defendants. )  
\_\_\_\_\_)  
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18 Pursuant to 28 U.S.C. § 636, the Court has reviewed the Second  
19 Amended Complaint in the above-captioned matter, all the records and  
20 files herein, and the Report and Recommendation of the United States  
21 Magistrate Judge. The time for filing Objections to the Report and  
22 Recommendation has passed and no Objections have been received.  
23 Accordingly, the Court accepts and adopts the findings, conclusions and  
24 recommendations of the Magistrate Judge.

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1 Accordingly, IT IS ORDERED THAT:  
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3 1. Plaintiff's access to the courts claim against Defendant  
4 Derrick Schultz in Claim One is DISMISSED WITH PREJUDICE for failure to  
5 state a claim pursuant to Federal Rule of Civil Procedure 12(b)(6).  
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7 2. Plaintiff's equal protection claim against Defendant Rosie  
8 Byrd in Claim Three is DISMISSED WITH PREJUDICE for failure to state a  
9 claim pursuant to Federal Rule of Civil Procedure 12(b)(6).  
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11 3. This action may proceed only on the Second Amended Complaint's  
12 retaliation claim against Defendant Schultz in Claim Two and due process  
13 claim against Defendant Byrd in Claim Four.  
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15 The Clerk shall serve copies of this Order on Plaintiff at his  
16 current address of record.  
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18 DATED: September 6, 2013  
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20 JOHN A. KRONSTADT  
21 UNITED STATES DISTRICT JUDGE  
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